IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.K.MOHANAN

MONDAY, THE 24TH DECEMBER 2007 / 3RD POUSHA 1929

Bail Appl..No. 8039 of 2007()

(CR.NO.136/2007 OF ARYANAD EXCISE RANGE)

PETITIONER/1ST ACCUSED:

JUSTIN RAJ @ JOY, S/O. LOWRANCE,
THEKKUMKARA VEEDU, PANGODE, VALIYAKULANGARA,
ZHAMAALAKKAL VILLAGE, NEDUMANGAD TALUK.

BY ADV. SRI.T.A.UNNIKRISHNAN

RESPONDENT: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. AMJAD ALI

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KSS

V. K.MOHANAN, J.

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Bail Application NO.8039 of 2007

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Dated this the 24th day of December, 2007

O R D E R

In this Petition filed under Sec. 439 Cr.P.C. the petitioner who is the 1st accused in C.R. No. 136 of 2007 of Aryanad Excise Range for offences punishable under Secs. 55(a)(i) and 65 and 67(B) of the Abkari Act for having been found in possession of 22 litres of spirit, seeks his enlargement on bail. Petitioner was arrested on 4-11-2007

2. I heard the learned counsel for the petitioner and the learned Public Prosecutor.

3. Having regard to the nature of the offences, the duration of judicial custody of the petitioner and the other circumstances of the case, I am inclined to grant bail to the petitioner. Accordingly, the petitioner shall be released on bail on his executing a bond for Rs. 10,000/- with two solvent sureties each for the like amount to the satisfaction of the Judicial First Class Magistrate Court-I, Nedumangad and subject to the following conditions:

1. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioner shall make himself available for interrogation as and when required by the police till the filing of the final report.

3. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

4. The petitioner shall not commit any offence while on bail.

4. If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

V.K.MOHANAN, JUDGE.

Mr